

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 20-256
	:	
	:	HONORABLE THOMAS J. RUETER
RAPHAEL SHAW	:	U.S. MAGISTRATE JUDGE

**SENTENCING MEMORANDUM
ON BEHALF OF RAPHAEL SHAW**

Defendant, Raphael Shaw, by and through his counsel, Michael I. McDermott, Esquire, files the following Sentencing Memorandum setting forth all factors that the Court should consider in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in 18 U.S.C. § 3553(a).

Raphael Shaw is currently twenty-two years old. On May 31, 2021, the date of the incident, Raphael Shaw was twenty-one years old; allegedly capable of making adult decisions and able to suffer adult consequences for making a bad one. Personally, I am of the opinion that the human brain isn't developed until the mid-twenties, which means that "legal adults" (those age 18+) are allowed to make adult decisions, without fully mature brains. Someone who is 18 may make riskier decisions than someone in their mid-20s in part due to lack of experience, but primarily due to an underdeveloped brain.

The government has been quick to point out the following:

On May 31, 2020, as looting and rioting swept across Philadelphia, the defendant, Shaw, broke into a Wells Fargo bank.

Obviously "looting and rioting" are wrong; both morally and legally wrong. However, the trigger point leading to the "looting and rioting" was the unfortunate death of George Floyd at the hands

of four police officers. I do not know the full impact that George Floyd's death had on Mr. Shaw's psyche; but I do know that it had a major impact on the psyches of African diaspora around the world. An impact that will be studied and debated for many years to come. Mr. Shaw has probably spent a good deal of time thinking about how the death of Mr. Floyd affected him and his family since May 31, 2021 as he has been incarcerated at the Federal Detention Center-Philadelphia since that date.

I do know that Mr. Shaw has matured a lot since that date and better understands that his actions on May 31, 2020 have consequences. Consequences that affect him, his family and his community. His current level of maturity can be seen in his actions; pleading guilty and accepting responsibility. He is extremely remorseful for his actions and understands that his actions affect himself, his family, his friends and his neighbors. Upon his release, he will be returning to his community seeking their understanding and forgiveness while he takes steps to better himself and his community.

Mr. Shaw's Character:

Under 18 U.S.C. §3661, no limitation shall be placed on the information concerning the background, character, and conduct of Raphael Shaw, which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence. To that end, Mr. Shaw requests this Honorable Court to review the many letters explaining Mr. Shaw's true character, which are attached hereto.

On the day that he stood before your Honor and accepted responsibility for his actions; he truly stood alone. His actions during the pandemic placed him in isolation, locked away from his family, friends and support group to face the fears of a virus that doesn't discriminate as to its' victims. He was not just accepting fault for his actions for which he pled guilty; but was

accepting responsibility for all of his prior poor decisions. Mr. Shaw knows that the tragic events of May 31, 2021 could have been avoided by choosing right over wrong and understands that his actions of that day were wrong, selfish and cowardice. He has not made excuses for his actions on that day.

Further, as expressed by his family and friends in letters to this Honorable Court, he has shown his remorse and pain. These letters further attest to the fact that Mr. Shaw is a good man and that he wants to be a better man, son and friend.

§ 3B1.2- Mitigating Role Does Apply In The Instant Action:

Mr. Shaw deserves an additional two step decrease in the sentencing guidelines in this matter as he made his intention to plead guilty known early on in this matter and never made the government prove its case at trial. Further, the facts presented to the Court and the videos recovered from the scene indicate that Mr. Shaw was “substantially less culpable than the average participant”. Mr. Shaw was not in any video showing that he was involved in the burglary of the fork lift, that he took part into the actual break in of the bank, that he was behind the counter in the bank removing the vault, that he was pushing the vault onto the fork lift, subsequently breaking into the vault and/or receiving monies from the vault. Mr. Shaw did place his hands on the vault as it was pulled away from the counter, he was present when the vault was pushed onto the forklift and he did get into a motor vehicle that drove out of the bank behind the forklift.

Conclusion

For the foregoing reasons, Raphael Shaw, respectfully submits that a sentence of two years of probation is sufficient, but not greater than necessary, to comply with the statutory directives set forth in 18 U.S.C. § 3553(a).

Dated: 6-7-2021

By: Michael I. McDermott

Michael I. McDermott, Esquire
Attorney for Defendant,
Raphael Shaw
I. D. No. 52917
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18th Floor
Philadelphia, PA 19107
(215) 546-2286


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CERTIFICATE OF SERVICE

I, Michael I. McDermott, Esq., hereby certify that on June 7, 2021, I served a true and correct copy of the Sentencing Memorandum on behalf of Raphael Shaw via electronic filing upon the following:

Amanda R. Reinitz, Esquire
Michael R. Miller, Esquire
United States Attorney's Office
615 Chestnut Street
Suite 1250
Philadelphia, Pa 19106-4476



Michael I. McDermott, Esq.
Attorney for Defendant

Date: 06/07//2021

William Lamb
921 N fallon
Phila,Pa

To honorable Judge

My name is William Lamb . I am writing this Letter in reference to my step son Raphael.
I came to know Ralph when he was at the age of 3yrs old . The moment I fell in love with my
now wife Crystal . I fell in love with Raphael. I took Ralph in and raised him as my own . I
learned Ralph lost his biological father at age 1yrs old . My wife and I Have done our best to
build a profound foundation with Ralph . Sending him through the Parochial school system .

Building a christian upbringing with him and our other children. Ralph has graduated from Our
mother Sorrows playing sports with the love of basketball .Traveling to different schools playing
tournaments was all a part of our excitement. When we won it was overwhelming. I found out
his love for rap music throughout highscool He began rhyming and tuning into sounds that
made his voice sound musical.

We were proud to send Raphael to North Hampton College with the idea of graduating .
Sometimes the heart wants to stay close to home .Raphael came back home with the intentions
of finishing his college education at Community College Of Philadelphia. He wanted to try
working so we allowed him to try to find his own then the Covid 19 came forth and stopped all
plans. Raphael is a quiet ,very smart young guy who doesn't openly speak out or have
conversation unless he is comfortable .Raphael make non fiction rhymes through his music

We play basketball ,We play video games always challenging each other .We go for rides in the
park just sit by the river and talk about life and how far it has brought us both and what his future
plans will be. I love my son and I hope you allow him to come home. We will find better ways to
utilize his time by working and going to school. With your help we can continue these dreams.

Sincerely ,

William Lamb

Crystal Anderson -Lamb
921 N Fallon st
Philadelphia ,Pa

To Whom This May Concern

My name is Crystal Anderson Lamb, I am an Obstetric technician at Crozer medical Center. Raphael is my son. When I think of my son I think of a shy, smart intellectual young man. My son is loving and always telling me he loves me. Always striving to do better, Sometimes he needs a little push to keep focus. Growing up Raphael was a loving quiet young man Always full of life . Raphael had a love for playing sports He played basketball in school and community leagues in the neighborhood. After high school he went to North Hampton Community College . Raphael didn't like being so far away from home so he wanted to apply to a college closer to home after 2nd semester. When he came home he started working at Chipotle then later at UPS . Raphael has a love for music . Making rhymes and rapping . He would play out make believe scenes to promote his rapping career. He always had a love of making friends . My husband William has played an important role in Raphael's life .William is hardworking who works for Philadelphia Housing Authority for 7yrs and plays a very good role in our children's life. I have 3 girls and our only son Raphael. My sister has 3 girls. My brother who is deceased has 3 girls .It breaks my heart to hear of someone who is my son , who's trying to find his place in life , who has never been in jail .These people have spread all over social media and the enquirer is not the portrayal of my son. . My son has never been portrayed as such a horrible person . As a parent I'm asking if you can please allow my son to come home on house arrest and give him the right to be proven of his innocence and allow all factual evidence to play out in court not implicating false allegations against my son Raphael .

Sincerely

A handwritten signature in cursive script, appearing to read 'Crystal A. Lamb', written in dark ink.

Crystal Anderson -Lamb

Shariah Lamb
921 N Fallon st
Philadelphia ,Pa

To Whom This May Concern

My name is Shariah Lamb. Raphael is my brother , Im 13 yrs old
My brother Ralph would always take over the front seat of the car when
We went out with my mom. He was the oldest at home so he always
got to sit up front. My brother would always say to me school work will
get more challenging when I get in highschool . I told him I'm going to
always get A's no matter what grade I'm in. When at home my brother would always
Play his video games and sing songs that rhyme he would say one day I'm gonna make it
through my songs. He used to play basketball really well . When he was away to school
I was kind of happy because I was finally able to have my own room until he came home on
holidays. He went to North Hampton. He was always calling to come home on the weekend .
He told my mom he would rather go to school here close to home. My mom let him stay home
after holiday only if he agreed to go to community college . He started working at Chipotle. We
were so happy for him. He had to leave Chipotle because he wanted to do basketball tryouts
.Raphael would come to my school and my classmates would be so excited
they thought he was a famous rap star. I wanted him to talk to them but my brother was shy in
person and didn't want to talk but he would say hello to everyone.

Amira Lamb
921 N Fallon St
Philadelphia, Pa

To Whom This may Concern

My name is Amira Lamb ,Raphael is my older brother . Ralph is a good brother
Ralph is funny, always making jokes .We have a close bond . I think i'm his favorite sister.We
play video games watch action shows together and sometimes just sit quietly and share our
thoughts.Ralph likes to make rhymes and make rap songs.Girls really like my brother Ralph.
They say he is handsome and a lot of fun.I think he is skinny and just my brother.I enjoy having
him around. I Pray that he is safe and that he will come back home.

Sincerely

Amira Lamb

Joan Ennis
4401 Conshohocken Ave.
Apt. B-21
Philadelphia, Pa. 19131

To Whom It May Concern:

I am writing this letter on behalf of my Grandson Raphael Shaw. I have help to take care of him since my son Raphael Shaw, Sr. was murdered when he was 15 months old.

I have helped his mother and his stepfather to babysit, help out in anything going on in his life. From volunteering at his school to going to basketball games, helping with homework. To dropping friends off at home after the games. Also helping to take care of his sisters when there was no one else to do it. Taking him to doctors' visits and dental appointments.

Ralph is a kind, considerate, and loves to play games. He was always helping other people in school and the neighborhood.

When his grandfather became ill with cancer he was always around to give a helping to whatever his and my needs were. He spent a great deal of time with us. Sometimes nights and weekends to be there for us. If we needed anything he was always willing to help.

Ralph greatest love is basketball and was always playing and trying to improve his game. He love to watch and study the game.

Ralph loves God and we have long talks about the Bible and things

In life that you have trouble with. He does pray and have a relationship with the Lord.

When he was going to college and I found out that he does a talent for writing on different subjects. He also loves to rap and do videos. About his thoughts. And the rap he creates.

Ralph is a loving person. I have God spirit in me that says God will help to handle this situation too.

Sincerely,

Joan Ennis

Fwd: r. shaw character statement**SULAIMAN WOOD <sulaimanwood@comcast.net>**

Mon 7/20/2020 9:17 AM

To: crystyle6@msn.com <crystyle6@msn.com>

----- Original Message -----

From: SULAIMAN WOOD <sulaimanwood@comcast.net>

To: "crystyle@msn.com" <crystyle@msn.com>

Date: 07/20/2020 12:35 AM

Subject: r. shaw character statement

July 19, 2020

To Whom It May Concern,

I am writing this character statement on behalf of Raphael Shaw, Jr. and his family. My name is Sulaiman A. Wood and I have known Raphael and his family since he was born. I am a current City of Philadelphia employee and write this statement as a concerned resident of the City, social worker and as a member of the City's Executive Committee of City's anti-violence plan. I do not condone violence and the disruption of our City's business and residential communities. It is unnecessary and unlawful. There has to be reasons why so many Philadelphians feel disconnected from our institutions at large that we have seen the actions of thousands of residents interact with others in ways that do not reflect their character.

Raphael's father was my best friend and died a few hours last I was with him before he was gunned down by two men who knew him. I am extremely close to my father and could not imagine being the man I am today without his guidance and presence in my life. Raphael's father was literally doing what he needed to do to support his son before he was murdered. Raphael has and had positive men in his life but there is nothing like having your father. I cried several times when I heard about Raphael's situation because I saw how his own father matured when he found out he was going to be a father. The news brought back memories of our conversations of what he wanted and wants for Raphael.

Raphael is not what the news and cameras project him to be. He comes from a strong family and was raised by two strong women in his mother and grandmother who have both sacrificed for him. Raphael is good young man that has made some mistakes like all of us. I graduated from the University of Pittsburgh with honors and have two graduate degrees from an ivy league institution in Bryn Mawr College and still have been arrested three times. I made mistakes. Raphael is a young man who made mistakes but he does not rate

federal prison. Please allow Raphael to be home in the loving and nurturing environment he was raised in to remember and recall how much he is loved by his family and genuinely re-evaluate what matters.

I truly believe Raphael will learn and grow from this experience and mature into a fine young man and productive citizen. He has a great support system and too much potential to be lay dormant. Sincerely. Sulaiman A. Wood, MSS, MLSP.

5021 Kershaw Street
Philadelphia, Pa. 19131

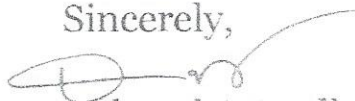
To whom it may concern,

My name is Deborah Woodley and this letter in reference to Raphael Shaw. I have known Raphael all of his life and as an educator I had the pleasure being his Pre-Kindergarten teacher. Raphael was a well-mannered and respectful little boy who grew up to be a fine young man. He serves as a role model to his younger cousins who looks up to their cousin as a big brother. Also, I see him helping his parents with his younger sisters.

Whenever I see Raphael he always seem to have a positive attitude. He enjoys talking about his music and playing basketball. If you have any questions please feel free to contact me, Deborah Woodley at (267) 269-4458.

Thank you for your time and cooperation concerning this matter.

Sincerely,



Deborah Woodley

Demetrius Royster Sr.

6409 vine street

Philadelphia Pa 19139

Peace be upon you and your family

I have known Raphael Shaw in a variety of capacities for many years he has been my son Demetrius Royster Jr friend since middle school I was sadden when I learned what happened with this young man who have always been respectful young man who just caught up in the moment in which I don't believe he could do something to this magnitude nevertheless he is in front of you and his fate lies in your hand I believe if given a second chance he will be more productive with his life with my help he will have a job waiting on him when he gets home As I am the manager for Acme Markets and this will get Ralph pointed in the correct direction I'm sure if he could do it all over again Ralph would have made a better decision but I'm sure this little stint have taught him a lesson that will last Ralph a lifetime hopefully the court will show mercy on ralph and he can make his wrong rite thank for listening

Peace Demetrius Royster Sr

I knew Ralphel Shaw since he was a baby, we grew up like brother and...

Jasmine Anderson <janderson154@icloud.com>

Tue 7/21/2020 5:15 AM

To: Crystyle6@msn.com <Crystyle6@msn.com>

I knew Ralphel Shaw since he was a baby, we grew up like brother and sister, we went to the same Catholic middle school. He played basketball, feed the homeless on the weekends and also made sure the elderly in his neighborhood was okay. Ralph always had a big heart, He was a well put together kid he enjoyed spending time with family, he's been the ideal big brother to his younger sisters. My aunt crystal worked hard to put him through the best schools and keep him out of trouble. Even at the young age of 16 he got his first job to help out my aunt and his sisters. He always made great grades in school and even after High school he went off to college. He's a well rounded kid, this whole ordeal is way out of Ralph's character my cousin isn't this criminal nor is he a thug the media have him all wrong, this is definitely a case of wrong place at the wrong time.

Raphael Shaw

Clarissa Herbin <clarissa_herbin@yahoo.com>

Mon 7/20/2020 1:08 PM

To: crystyle6@msn.com <crystyle6@msn.com>

My name is clarissa herbin I am the cousin of Raphael Shaw aka also known as a big sister. I remember times when I would go to basketball games to watch Raphael play basketball in school, he was very energetic, focused and a great team player . I also enjoyed moments with Raphael taking rides, visiting various restaurants laughing and just enjoying each other company. He was always smiling and had good words to say when speaking of others.

We often talked about life's journey and he shared many thoughts of his expectations for his future. I'm confident that my lil cousin/ lil brother has nothing to do with the childish looting that has taken place in the of city of Philadelphia where he has loved, been raised with goals and respect for all man kind and their property.

<https://outlook.live.com/mail/0/inbox/id/AQMkADAwATcwMAItODFIOC1...?RpsCsrfState=2e793da3-7e58-63f6-be14-fb720d9f3980&wa=wsignin1.0>

Heaven Pickett
1221 Diamond st
Philadelphia,pa 19122

07/18/2020

To whom this may concern,

Hello my name is Heaven Pickett .Me and Raphael have known each other as friends for a little over 2 years. It doesn't feel right to have to be writing a letter to defend the character of someone who I have seen as nothing but a gentle, loving and caring person. Even though it doesn't feel right I still am happy to write a letter of reference for Raphael Shaw . I understand the seriousness of the situation . I hope the court can still find it in their heart to give him bail or house arrest.

Ralph is a hardworking upcoming rapper that is very driven toward his goal of becoming a rapper. In our relationship he has always been understanding of me and always there for me in my corner. If I had to choose a favorite person it would be Ralph a million times over. He has a positive energy about him that makes you want him in your presence. He's the type of person you want around when you're feeling down. At times when I felt like I was alone he always made it be known that he had my back no matter what .

He is also a big brother and he has two younger sisters that love and look up to him, he even plays a big role in my little brother's life. Ralph has made my brother feel as though he is his little brother. He is a mentor for my little brother. They do things like play the game together etc. My little brother is the only boy in a house full of girls so Raphael fills that void for him and gives him that man figure he needs in his life.

I really hope that my letter is taken into consideration when you make your decision on whether or not he will get bail. Even with this case going on he is still the big brother to two younger sisters and a brother figure that my little brother looks up to. He is still that positive person that I want around.

Sincerely,

Heaven Pickett